Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 03488 01 OF 02 070320Z
ACTION IO-13

INFO OCT-01 ISO-00 AF-10 ARA-06 EA-07 EUR-12 NEA-10
CIAE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02 OIC-02
ACDA-07 SCA-01 ERDA-05 TRSE-00 /121 W
----------070338Z 064164 /73
R 061934Z MAY 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 7148
INFO SECDEF WASHDC
JCS WASHDC
USMISSION USUN NEW YORK

LIMITED OFFICIAL USE SECTION 1 OF 2 GENEVA 3488

DOD ALSO PASS TO AF/JA, NAVY JAG, DAJA-IA, DCPA

E.O. 11652: N/A
TAGS: ICRC, PARM, PFOR
SUBJ: DIPLOMATIC CONFERENCE ON INERNATIONAL HUMANITARIAN LAW-
WEEKLY REPORT MAY 2 - 6, 1977

SUMMARY: CONFERENCE WORK CONTINUES TO PROGRESS WITH PROSPECT THAT MAIN COMMITTEE WORK WILL BE COMPLETED ON SCHEDULE BY MAY 14. END SUMMARY

1. COMMITTEE I WORKING GROUPS COMPLETED WORK ON INQUIRY COMMISSION AND ALTERNATIVE PROVISIONS SENT TO THE COMMITTEE PLENARY FOR VOTE. WORKING GROUP ALSO ASOPTED 18 FINAL ARTICLES BY CONSENSUS (ARTICLES 80-84 AND 86-90 OF PROTOCOL I; ARTICLES 40-47 OF PROTOCOL II). A DELICATE COMPROMISE PREAMBLE (WHICH INCLUDES A REFERENCE TO THE APPLICABILITY OF THE PROTOCOLS "WITHOUT ANY ADVERSE DISTINCTION BASED ON THE LEGITI-MACY OF THE USE OF FORCE.") WAS ACHIEVED IN AN INFORMAL
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 03488 01 OF 02 070320Z

WORKING GROUP. CONSENSUS WAS NOT ACHIEVED IN THE WORK-ING GROUP (DUE TO FRENCH AND MEXICAN RESISTANCE AND OPPOSITION FROM SOME ARAB/AFRICAN COUNTRIES THAT WERE NOT INFORMED OF THE LAST MINUTE COMPROMISE), AND PREAMBLE MUST BE VOTED UPON IN COMMITTEE PLENARY. WORK REMAINS ON CONTROVERSIAL ARTICLES INCLUDING RESER-VATIONS, MEXICAN PROPOSAL ON WEAPONS REVIEW COMMITTEE,

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

AND PHILIPPINE PROPOSAL TO CONSIDER USE OF CERTAIN
WEAPONS AS A GRAVE BREACH.

2. FOR THE FIRST TIME IN CONFERENCE HISTORY POLITICAL
FACTORS AFFECTED COMMITTEE II ACTION. IN CONNECTION
WITH A PROPOSAL BY ZAIRE TO ADOPT TWO DIAGONAL RED
BANDS ON A YELLOW GROUND AS THE INTERNATIONAL DIS-
TINCTIVE SIGN OF CIVIL DEFENSE, ARABS AND MOST
AFRICAN DELEGATIONS LINED UP AGAINST WESTERN AND
COMMUNIST DELEGATIONS WHO FAVORED BLUE TRIANGLE ON
AN ORANGE GROUND PREVIOUSLY PROPOSED BY TECHNICAL
SUBCOMMITTEE. AFTER NUMEROUS PRO-
CEDURAL WRANGLES ZAIRE PROPOSAL WAS REJECTED BY A
VOTE OF 28-31 (US) WITH 7 ABSTENTIONS. CIVIL DEFENSE
WORKING GROUP HAS PRODUCED TEXTS FOR ALL CIVIL DEFENSE
ARTICLES BUT HAS NOT YET ACHIEVED CONSENSUS ON
CONDITIONS FOR PROTECTION OF MILITARY PERSONNEL OF
CIVIL DEFENSE UNITS OR WHETHER CIVILIAN CIVIL DEFENSE
PERSONNEL MAY BE ARMED. IT APPEARS PROBABLE THAT THE
WORKING GROUP WILL RECOMMEND THAT CD PERSONNEL MAY BE
ARMED WITH LIGHT INDIVIDUAL WEAPONS FOR SELF DEFENSE
OR FOR MAINTENANCE OF ORDER. IN AREAS WHERE LAND
FIGHTING IS TAKING PLACE PROTECTION WILL NOT BE
EFFECTIVE UNLESS ARMS ARE LIMITED TO HAND GUNS SUCH
AS PISTOLS OR REVOLVERS. ON MILITARY UNITS, A
FORMULA COLOSE TO THAT OF THE BONN FALL BACK POSITION
SEEMS TO BE EMERGING. PROTECTION WILL BE ACCORDED
ONLY TO MILITARY PERSONNEL PERMANENTLY AND EXCLUSIVELY
ASSIGNED TO CD DUTIES WHO ARE CLEARLY DISTRINGUISHABLE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

FROM COMBATANTS BY A PROMINENT DISPLAY OF THE CIVIL
DEFENSE SIGN. SUCH PERSONNEL MUST BE PROHIBITED
FROM PARTICIPATING IN THE HOSTILITIES AND WOULD BE
PRISONERS OF WAR WHEN CAPTURED. AREA OF REMAINING
DISAGREEMENT IS WHETHER ASSIGNMENT TO CD DUTIES MUST
BE FOR DURATION OF CONFLICT, OR FOR SOME FINITE PERIOD.
ANOTHER AREA OF DISAGREEMENT CENTERS ABOUT EGYPTIAN
PROPOSAL THAT MILITARY CIVIL DEFENSE PERSONNEL NOT BE
PERMITTED TO SERVE IN OCCUPIED TERRITORY. THE WORKING
GROUP ON RELIEF IN PROTOCOL II PRODUCED A TEXT FOR THE
FIRST PARAGRAPH OF ARTICLE 33 (RELIEF ACTIONS) WHICH
IS SIMILAR TO THE CORRESPONDING PARAGRAPH IN THE RELIEF
ACTIONS ARTICLE OF PROTOCOL I. RELIEF SHALL BE UNDER-
TAKEN SUBJECT TO CONSENT OF THE PARTY OR PARTIES CON-
CERNED. CONSENSUS APPEARS NEAR ON REMAINING
PROCEDURAL PROVISIONS OF THE ARTICLE. A FIRST PARA-
GRAPH OF ARTICLE 34 (RECORDING AND INFORMATION)
PROVIDING FOR ESTABLISHMENT OF INFORMATION BUREAU WAS
ADOPTED, AND THE PROCEDURAL PROVISIONS PRESENT NO

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

PROBLEM. ARTICLE 35 (NATIONAL RED CROSS AND OTHER RELIEF SOCIETIES) CONCERNS PRINCIPLES GOVERNING CONDUCT OF RELIEF. THE GROUP REPORTED AN ARTICLE, WITH BRACKETED ALTERNATIVES, ONE VERY GENERAL AND THE OTHER (U.S. POSITION) LINKED TO PRINCIPLES ESTABLISHED IN THE INTERNATIONAL RED CROSS CONFERENCES.

3. TOWARD THE CLOSE OF THEIR WORK, COMMITTEE III PROGRESS HAS BEEN SLOWED SOMEWHAT . ARTICLES ON THE PROTECTION OF WOMEN (67) AND CHILDREN (68) HAVE BEEN ADOPTED BY WORKING GROUP CONSENSUS AND ARE AWAITING COMMITTEE ACTION. THE EVACUATION OF CHILDREN ARTICLE (69) PROMPTED LENGTHY DEBATE AND DISCUSSION MOSTLY INVOLVING MATTERS OF DETAIL, NOT SUBSTANCE. MAIN ISSUE OF EVACUATION FOR REASONS OF SAFETY WAS RESOLVED BY PROHIBITING SUCH EVACUATION FROM OCCUPIED TERRITORIES BUT PERMITTING IT OTHERWISE. ARTICLE 69
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 GENEVA 03488 01 OF 02 070320Z

SPECIFICALLY DOES NOT APPLY TOOACUATION OF A PARTY'S OWN NATIONALS. A NEW SPECIAL SIGN FOR INSTALLATIONS CONTAINING DANGEROUS FORCES (ARTICLE 49) WAS ADOPTED

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 GENEVA 03488 02 OF 02 070311Z
ACTION IO-13

INFO OCT-01 ISO-00 AF-10 ARA-06 EA-07 EUR-12 NEA-10
CIAE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02 OIC-02
ACDA-07 SCA-01 ERDA-05 TRSE-00 /121 W
----------070338Z 064132 /73
R 061934Z MAY 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 7149
INFO SECDEF WASHDC
JCS WASHDC
USMISSION USUN NEW YORK

LIMITED OFFICIAL USE SECTION 2 OF 2 GENEVA 3488

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

DOD ALSO PASS TO AF/JA, NAVY JAG, DAJA-IA, DCPA

BY THE WORKING GROUP. IT CONSISTS OF THREE BRIGHT ORANGE CIRCLES OF EQUAL SIZE, ON THE SAME AXIS, SPACED ONE CIRCLE'S RADIUS APART. WORKING GROUP WILL CONTINUE WITH A FEW ARTICLES AND ISSUES FROM PROTOCOL II (ARTICLE 21, PERFIDY; ARTICLE 32, PROTECTION OF CHILDREN; AND REPRISALS). IT WILL ATTEMPT TO RESOLVE ALL ISSUES BEFORE NEXT COMMITTEE MEETING TO BE HELD EARLY NEXT WEEK.

4. THERE CONTINUES TO BE MORE ACTIVITY THAN PREVIOUSLY EXPECTED IN THE AD HOC COMMITTEE WITH MEETINGS OF MAIN COMMITTEE, THE WORKING GROUP AND SUB-GROUPS. THE MEXICAN PROPOSAL (ARTICLE 86 BIS) FOR ESTABLISHING A COMMITTEE OF PARTIES TO PROTOCOL I TO CONSIDER AND ADOPT RECOMMENDATIONS WITH RESPECT TO RESTRICTIONS OR PROHIBITIONS ON CONVENTIONAL WEAPONS HAS BEEN THE SUBJECT OF CONSIDERABLE PROCEDURAL AS WELL AS SUB-STANTIVE DISCUSSION BOTH WITHIN AND OUTSIDE COMMITTEE.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

A LIAISON GROUP MEETING TO DISCUSS THE IMPLICATIONS OF THE PROPOSAL HAS BEEN SCHEDULED FOR MAY 9, EASTERN BLOC STRONGLY OPPOSES THE PROPOSED ARTICLE AS DO MOST WESTERN STATES. MOST SUBSTANTIVE WORK DURING THE WEEK HAS BEEN ON LAND MINE WARFARE, AND THERE HAS BEEN CONSIDERABLE PROGRESS ON THIS COMPLEX SUBJECT. CONSENSUS HAS BEEN REACHED ON NON-DETECTABLE FRAGMENTS PROPOSAL. INCENDIARIES WILL BE DISCUSSED NEXT WEEK.SORENSON

LIMITED OFFICIAL USE

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, LAW, COMMITTEE MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 06-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA03488
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770160-0733
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770586/aaaacwjv.tel
Line Count: 206
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 9fc28a99-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2619280
Secure: OPEN
Status: NATIVE
Subject: DIPLOMATIC CONFERENCE ON INERNATIONAL HUMANITARIAN LAW- WEEKLY REPORT MAY 2 - 6, 1977 SUMMARY: CONFERENCE WORK CONTINUES TO PROGRESS WIT
TAGS: PARM, PFOR, XX, ICRC
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/9fc28a99-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009